



Frank S. Simone
Government Affairs Director

Suite 1000
1120 20th Street, NW
Washington DC 20036
202-457-2321
202-263-2660 FAX
fsimone@att.com

January 14, 2004

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S. W. – Room TWB-204
Washington, D. C. 20554

Re: *Ex parte*, CC Docket No. 97-172, BellSouth Telecommunications, Inc.,
SBC Communications, Inc., and Verizon's Petitions for Forbearance

Dear Ms. Dortch:

AT&T submits the attached letter in response to BellSouth's December 23, 2003 Reply Comments in the above-captioned proceeding.

Consistent with Section 1.1206 of the Commission's rules, I am filing one electronic copy of this notice and request that you place it in the record of the above-captioned proceeding.

Sincerely,

A handwritten signature in black ink, appearing to read "F. Simone".

ATTACHMENT

cc: C. Shewman



Aryeh S. Friedman
Senior Attorney

Room 3A231
One AT&T Way
Bedminster, NJ 07921-0752
Phone: 908 532-1831
Fax: 908 532-1218
EMail: friedman@att.com

January 14, 2004

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: BellSouth Telecommunications, Inc., SBC Communications, Inc., and
Verizon's Petitions for Forbearance, CC Docket No. 97-172

Dear Ms. Dortch:

AT&T submits this letter in response to BellSouth Telecommunications, Inc.'s ("BLS's") December 23, 2003 Reply Comments in this Proceeding. BLS's assertion therein that AT&T's proposed condition is overbroad is baseless.

AT&T, in fact, requested a very limited condition: AT&T requested that, "consistent with the Commission's decision in the *NDA Order*,¹ any grant of forbearance should be conditioned on the requirement that the petitioning BOCs make available, on

¹ *BellSouth Petition for Forbearance for NonLocal Directory Assistance Service, CC Docket No. 97-172, Petition of SBC Communications, Inc. for Forbearance of Nonstructural Separation Requirements and Request for Immediate Interim Relief in Relation to the Provision of NonLocal Directory Assistance Service, CC Docket No. 97-172, Petition of Bell Atlantic for Further Forbearance from Section 272*

(footnote continued on following page)

nondiscriminatory terms and conditions, the IDA information for those countries on the routes where they are treated as dominant carriers because of their overseas affiliate.”²

BLS opposes this very limited condition claiming: (1) that a BOC dominant on a particular route does not necessarily have access to listings of subscribers in that particular country and (2) that providing such listings to other U.S. carriers would conflict with foreign privacy laws. BLS’s Reply Comments at 4-5. The short answer to the first argument is that if the affiliated BOC does not have access to those listing, the condition would not apply – it is only when the BOC has access that non-discriminatory access must be provided to the other U.S. carriers. As to the second objection, it is unclear why any foreign privacy law that allowed a U.S. BOC to have access to these listing from its dominant affiliate would prevent other U.S. carriers from having the same access, or why forbearance is appropriate here if any foreign law allowed BLS to have such privileged access.

AT&T would further note that BLS has yet to proffer *any* evidence to show that the application of the Section 272 separate subsidiary requirement to the provision of IDA services is “not necessary for the protection of consumers,” or that forbearance would be “consistent with the public interest,” and would promote “competitive market conditions.” 47 U.S.C. § 160 (a) and (b). Moreover, although AT&T agrees with BLS that cost is

(footnote continued from previous page)

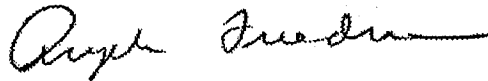
Requirements in Connection with National Directory Assistance Service, CC Docket No. 97-172, Memorandum Opinion and Order, 15 RCC Rcd 6053 (2000).

² See *Ex Parte* Letter of Aryeh Friedman, AT&T, to Marlene Dortch, FCC, CC Docket No. 97-172, at 2 (Dec. 16, 2003).

irrelevant to its forbearance petition, that is the *sole* basis for BLS's request.³ Even if cost were relevant, BLS's claimed increased cost is not so "obvious" that it need not be substantiated. BLS Reply at 3. To the contrary, in the OI&M proceeding where, unlike here, BLS identified the duplicated facilities and employees, BLS's cost claims amounted to a mere 9 cents per month for each of BellSouth's customers.⁴ Presumably BLS declined to substantiate its cost claim here either because it could not or because those costs are immaterial.

In any event, AT&T does not seek denial of BLS's petition, simply the imposition of a narrow and eminently reasonable condition.

Sincerely,



Aryeh Friedman

³ BLS asserted in its Revised Petition that all three of these tests were met because "[i]mposing the separate affiliate requirement would necessitate duplication of systems, equipment, and personnel functions, thereby eliminating the economies that can be realized by sharing these resources. This inefficiency would make the provision of the service significantly more costly, forcing BellSouth to charge higher prices to consumers. Such a restriction would effectively eliminate BellSouth as a viable competitor ..." Petition at 11 (prong one – necessary to ensure non-discrimination); 12-13 (prong two – consumer interest) and 14 (prong three – public interest).

⁴ See *Ex Parte* Letter of Mary L. Henze, BellSouth, to Marlene Dortch, FCC, CC Docket No. 96-149, at 3 (Sept. 15, 2003).